

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 20, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: DIR-34062 – APPLICANT/OWNER: PN II, INC.

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for approval of a 24-month development report as required by Nevada Revised Statutes Chapter 278.0205 and Subsection 8.1 of the Development Agreement entered into between Jack and Laura Sommer, et al. and the city of Las Vegas on December 18, 1991. In June 2002, the property with which this agreement concerns was acquired by PN II, Inc., dba Pulte Homes ("Owner"), who assumed the remainder of the development of this property and followed the terms of the Agreement.

Planning and Development Department staff has reviewed the submitted development report and has determined that the Owner is currently in compliance with the requirements of the Development Agreement for the area known as Silverstone Ranch.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/01/91	The City Council adopted Ordinance No. 3570, which added provisions to the Zoning Code to allow for the city to enter into development agreements to regulate the development of land within the city.
09/04/91	The City Council approved a Petition to Annex (A-0017-90) approximately 634 acres south of Iron Mountain Road and west of Rainbow Boulevard into the city of Las Vegas. The annexation became effective 09/13/91.
10/02/91	The City Council approved the Rezoning (Z-0075-91) of 636 acres located south of Iron Mountain Road and west of Rainbow Boulevard from N-U (Non-Urban) to R-PD3 (Residential Planned Development – 3 Units per Acre) and C-1 (Limited Commercial). An included request to rezone a portion of the property to C-2 (General Commercial) was abeyed to 12/04/91 to allow for further review. Condition Number 3 of Z-0075-91 restricted the maximum number of residential units to 1,873. The Planning Commission and staff recommended approval.
12/04/91	The City Council approved a Rezoning (Z-0075-91) on 96.79 acres from N-U (Non-Urban) to C-1 (Limited Commercial), amending the original request from C-2 (General Commercial) at the developer's request. The City Council also approved a request to add this area to the Gaming Enterprise Overlay District. The Planning Commission and staff recommended approval.
12/18/91	The City Council approved a Development Agreement (DA-0001-91) between the city of Las Vegas and Jack and Laura Sommer, et al. for the development of land south of Iron Mountain Road and west of Rainbow Boulevard known as Mountain Spa. The Planning Commission and staff

	recommended approval.
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12/18/91	The City Council approved a Review [Z-0075-91(1)] of Condition Numbers 5, 7, 12, 14, 16, 18, 23, 24, 25, 26, and 29 of Z-0075-91 (approved 10/2/91) for consistency with the Mountain Spa Development Agreement. The Planning Commission and staff recommended approval.
07/01/92	The City Council approved a Rezoning (Z-0036-92) of 2.6 acres to be added to the Mountain Spa Project Site, from N-U (Non-Urban) to R-PD3 (Residential Planned Development – 3 Units per Acre), at the southeast corner of Brent Lane and Buffalo Drive. The Planning Commission and staff recommended approval.
04/07/93	The City Council approved a Site Development Plan Review [Z-0075-91(2)] for the entire Mountain Spa Project Site and on-site circulation plan. The Planning Commission and staff recommended approval.
04/15/94	The Development Agreement between the city of Las Vegas and Jack and Laura Sommer, et al. was officially recorded in the Clark County Office of the Recorder.
05/04/94	The City Council approved a Review [Z-0075-91(3)] of Condition Numbers 6, 7, 11, 17, and 27 of Z-0075-91 concerning a traffic impact analysis, Master Drainage Study, and trail system. The Planning Commission and staff recommended approval.
07/25/96	The first final plat map (Mountain Spa – Unit 1) in the overall Mountain Spa development officially recorded in the Clark County Office of the Recorder.
08/10/98	The City Council approved Ordinance No. 5089, thereby officially adopting the Development Agreement between the city of Las Vegas and Jack and Laura Sommer, et al.
12/20/00	The City Council approved a modification [DA-0001-91(1)] to the Development Agreement to extend the time limit on installation of offsite improvements from 10 years to 12 years, and to project specific dates of completion for various named improvements. Staff recommended approval.
04/03/02	The City Council approved a Review [Z-0075-91(12)] of Condition Number 23 of Z-0075-91. This condition, which had required the zoning to revert back to the R-E (Residence Estates) District if the Owner sold the property or allowed the property to be developed by another party, was deleted. The intent as per a letter from the Owner's representative dated 03/01/02 was to acknowledge and approve in a City Council hearing new owner PN II, Inc.'s assumption of responsibility for meeting the terms of the Development Agreement as required by this condition. Staff recommended approval.
06/14/02	A Grant, Bargain, Sale Deed conveying ownership of portions of the Mountain Spa property to PN II, Inc. was recorded in the Clark County Office of the Recorder.
09/04/02	The City Council approved a Site Development Plan Review [Z-0075-91(13)] for a revision to the Mountain Spa Master Development Plan for 1,873 lots on 635.8 acres. The revised plan was to be called Silverstone Ranch. The Planning Commission and staff recommended approval.
11/20/02	The City Council approved a modification (DIR-1133) of the Development Agreement to modify dates related to the completion of off-site improvements

	for Tenaya Way, Rainbow Boulevard and Coke Street. Staff recommended approval.
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12/18/02	The City Council approved street name changes (SNC-0002-02) from Mountain Spa Drive to Silverstone Ranch Drive and (SNC-1109) from Buffalo Drive to Silverstone Ranch Drive, from Racel Street north approximately 800 feet. The Planning Commission and staff recommended approval of both items.
12/18/02	The City Council approved a Rezoning (ZON-1125) from C-1 (Limited Commercial) to R-PD3 (Residential Planned Development – 3 Units per Acre) on 38 acres at the northeast corner of Everest Street and Silverstone Ranch Drive to fulfill requirements of Z-0075-91(13). The Planning Commission and staff recommended approval.
01/19/06	The final map platting the last remaining undeveloped area in the overall Silverstone Ranch community was recorded in the Official Records of Clark County.

The information below reflects the extent of compliance by the owner/developer as of April 2009:

Table 1: RESIDENTIAL UNITS AND DENSITY				
CATEGORY	REFERENCE	PERFORMANCE REQUIREMENT	PROGRESS	STATUS
Number of residential units approved	Add. VI.B.1	Maximum of 1,873 residential units	1,680 units approved	Within required range
Number of residential units built	N/A—data from Owner	N/A	1,526 lots platted; 1,523 units built	N/A
Overall density	6.1(a), Add. VI.B.1	2.95 dwelling units/acre maximum	2.40 units per acre	Within required range

Table 2: LAND USE REQUIREMENTS						
CATEGORY	DESCRIPTION	DATE APPROVED	OWNER ACTION	CITY ACTION	REFERENCE	STATUS
Rezoning	R-PD3 and C-1	10/02/91 CC; 12/18/02 CC	Submit application for Rezoning of Project Area	Process in conformance with Title 19. Amend zoning map	6.1(b); Add. VI.B.2-3	Completed. C-1 area rezoned R-PD3 in 2002
Gaming Enterprise Overlay District	One “destination resort” within overall 636-acre community	12/04/91 CC	Comply with NRS and Title 6.40 requirements	Ensure compliance with NRS and Title 6.40	Add. VI.B.3	Completed. GED still exists on originally proposed hotel site, now developed with SF homes

Hotel/Casino	592,707 SF, 530 rooms, 139.8 feet (10 stories); up to 100 slot machines and 10 casino/table games	06/15/94 CC	Submit applications for Site Development Plan Review for Hotel/Casino and Special Use Permit for Gaming	Process applications in conformance with Title 19	6.1(b)	Not built. Entitlement expired 08/15/94.
Building Height and Size of Structures	Per NRS 278.0201	N/A	Prepare topographic/elevation studies	Approve development plans	Add. VI.B.4	Structures built to Title 19 requirements

Table 3: INFRASTRUCTURE REQUIREMENTS

FACILITY	OWNER ACTION	CITY ACTION	REFERENCE	PROGRESS	STATUS
Sanitary Sewer	Provide sanitary sewer facilities	None	Add. III.A	Sewer improvements completed within all subdivisions. Financing through SID 606	Complete
Flood Control and Drainage	Submit master drainage plan and technical study prior to issuance of grading or building permits	Review master drainage plan and technical drainage study	Add. I.B.1	Drainage study approved 06/09/00. Revised 11/2002 for Silverstone Ranch	Complete
Interim Flood Control Facilities	Construct interim flood control facilities necessary within Project Site to the 100-year flood event	Review and approve plans	Add. I.B.2	No interim flood control facilities	In compliance
Public Flood Control Facilities	Dedicate all facilities within ROW to city	Maintain facilities within ROW	Add. I.B.3	On-site facilities within all subdivisions have been completed and dedicated	Complete
Permanent Flood Control Facilities	Construct as necessary permanent onsite flood control facilities to the 100-year flood event	Review and approve plans	Add I.B.4	Golf course facilities completed	Complete

Potable Water Facilities	Provide facilities for conveyance of potable water to and within Project Site	None	Add. II.A	All facilities complete, functional and accepted by LVVWD	Complete
Utilities	Coordinate with other various utility companies to provide services	Allow utilities to be extended to Project Site	Add. IV.B	All facilities complete and functional	Complete

Table 4: TRANSPORTATION IMPROVEMENT REQUIREMENTS						
CATEGORY	OWNER ACTION	CITY ACTION	AGREEMENT REFERENCE	PROGRESS	NOTES	STATUS
Onsite Roadways	Design and construct roadways on the Project Site. Submit development plan showing circulation to be approved by CC with recommendation from PC.	None	Add. V.B	Completed	Per Conditions #17, 20, 27, 31 (Z-0075-91). Development plan approved 04/07/93 CC	Complete
Site Access	Provide paved public access roadways to Project Site as per city's MSH	Obtain all necessary ROW and coordinate with Clark County to implement the MSH	Add. V.A	Completed	Per Conditions #16, 26 (Z-0075-91). Amendment to MSH 07/07/93 amended DA.	Complete
Site Access – Buffalo, Racel, Durango	Provide or widen access as noted prior to issuance of permits for onsite construction.	None	Add. V.A.1	Completed	Per Condition #24 (Z-0075-91)	Complete
Phase I Improvements	Owner shall enhance access to streets as noted during Phase I of construction.	None	Add V.A.2	Completed	Per Conditions #17C, 17D, 21 (Z-0075-91)	Complete

Phase II Improvements	Develop a phased construction plan for roadways to be built in Phase II. Construct or enhance streets as noted in this section from the eastern entry to the Project.	None	Add. V.A.3	Completed	Per Conditions #17C, 17D, 21 (Z-0075-91). MSH-0003-93 amended DA to delete Iron Mtn Rd; amend Rainbow Bl from Grand Teton to Horse	Complete
Dedication of Roadways	Owner shall dedicate to City all areas shown on MSH for streets on Project Site perimeter.	Accommodate Owner's petition to vacate all existing streets within boundaries of the Project site	Add. V.C	All required streets dedicated to City	Per Condition #19 (Z-0075-91). MSH-0003-93 deleted Iron Mtn Rd from list of perimeter streets	Complete
Off-site Traffic Improvements	Contribute \$174,400 to be used by the City for construction of traffic improvements of benefit to the Project.	None	Add. V.D.1	Paid prior to Pulte's acquisition of property	Per Condition #17E (Z-0075-91)	Complete
Horse Drive Study	Study feasibility of alternate route to U.S. 95 from Durango	Cooperate with Owner on study	Add. V.D.2	Horse Drive was relocated per MSH-0003-93		In compliance
Secondary Access	Construct 30-foot wide secondary access roadway prior to C of O on Phase II development, unless waived	Approve route for secondary access	Add. V.D.4	No secondary access was required by City	Per Condition #5 [Z-0075-91(1)]; Horse Drive was relocated per MSH-0003-93	N/A

Table 5: PARKS, WALLS AND LANDSCAPING					
FACILITY	OWNER ACTION	CITY ACTION	AGREEMENT REFERENCE	PROGRESS	STATUS
Parks and Fees	Pay required park fees or agree to develop public parks	Accept parks in lieu of residential construction tax	Add. VIII.A	No public parks on Project Site; developers have paid all park fees	In compliance
Trails	Dedicate easements for a trail system along perimeter; construct with golf course	Approve plan for development of trails	Add. VIII.B	Per 2020 Master Plan; portion along Grand Teton constructed	Complete
Perimeter Walls	Construct 6-foot high combination wall around perimeter, set back 10 feet for landscaping	Review and comment on park plans	Add. IX.A	Completed. Walls constructed to meet Condition #s 18, 24, 26 of Z-0075-91(13)	Complete
Landscaping	Plant 24-inch box trees 40 feet on center with shrubs and groundcover in perimeter planters	None	Add. IX.B	Completed	Complete
Maintenance	Establish HOAs to pay for maintenance of perimeter walls and landscaping; enter into Encroachment Agreement for maintenance of landscaping in ROW or easements	Review and approve landscape design	Add. IX.C and D	Silverstone Ranch HOA established 02/08/99—maintains walls and landscaping in common areas	In compliance

Table 6: OTHER AGREED REQUIREMENTS				
CATEGORY	OWNER ACTION	CITY ACTION	AGREEMENT REFERENCE	STATUS
Fire Station	Upon city's request, dedicate an approximately 208-foot by 215-foot site in a location acceptable to Owner and Fire Services, for future fire station.	Construct new fire station within 2-mile radius of Project Site	Add. X.A and D	Per Condition #12 (Z-0075-91); on 01/03/92, Fire Services requested location of station at NWC Grand Teton and Rainbow on 1.5 acres. Mountain Spa developer paid \$50,000 to city in lieu of providing location within Project Site.

ANALYSIS

In accordance with NRS Chapter 278 and Section 8.1 of the Development Agreement, the Owner is required to submit a development report every 24 months documenting compliance with the terms of the agreement during the preceding 24 months. The report is subject to review and consideration by the City Council.

This is the first formal report to track compliance with the Silverstone Ranch Development Agreement. The previous owner submitted a report dated 12/13/93 for the Mountain Spa development that did not encompass the entire Agreement. The current owner, PN II, Inc., dba Pulte Homes, assumed control of the development and has been subject to the terms of the Agreement since June 2002.

The above tables show the extent of compliance with the terms of the Agreement. The entire master planned area is nearing completion. Final maps have been recorded on all the available undeveloped property. Nearly all of the single family lots have been improved or are in the permitting process. Perimeter walls and landscaping have been installed and are maintained by the Silverstone Ranch Homeowners Association. An equestrian trail required by the Las Vegas 2020 Master Plan Recreation Trails Element on the north side of Grand Teton Drive adjacent to the Project Site has been constructed.

Sewer improvements were completed in May 2008 and have been dedicated to the city of Las Vegas. All onsite flood control facilities required by the master drainage plan have been constructed and dedicated. All street improvements have been completed and dedicated. Several projects are in the bond release process; all bonds are expected to be finalized by August 2009.

Table 7: BOND STATUS		
PROJECT	BOND STATUS (as of 05/04/09)	EXPECTED RELEASE DATE
Silverstone Ranch Unit 2	Final inspection complete 03/24/09	04/01/09
Mountain Spa Rainbow Boulevard	In process	04/15/09
Mountain Spa Unit 1 – Racel Street	In process	05/01/09
Silverstone Ranch Parcel 8 Phase 1	In process	08/01/09

FINDINGS

Planning and Development Department staff has reviewed the submitted development report and has determined that the Owner is currently in compliance with the requirements of the Development Agreement for the area known as Silverstone Ranch. The only items remaining to be completed that were agreed upon are the release of bonds for the Unit 1, Unit 2, Rainbow Boulevard and Parcel 8 civil improvement projects; all bonds are expected by the Owner to be released by August 1, 2009. Per the terms of the Agreement, another review is required within two years, which should show fulfillment of the terms of the entire agreement.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0